

Remarks

Claims 2, 3, 6, 8 and 11-13 are pending herein. By this Amendment, claim 11 has been amended and new claim 14 has been added.

Claim 11 has been amended to exclude certain materials from the list of materials which can be used as the core in the core/shell copolymer (A). Applicants respectfully submit that this amendment does not raise new issues because the materials remaining in the list of materials for the core have been considered by the Examiner.

Applicants respectfully request entry of this Amendment.

In the Office Action, claims 2, 3, 6, 8 and 11-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent 62-285947 ("JP '947").

In view of the amendments and remarks herein, Applicants respectfully request reconsideration and withdrawal of the rejection set forth in the Office Action.

I. The Rejection

Claims 2, 3, 6, 8 and 11-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over JP '947. The rejection is applied as in the previous Office Action.

According to the Office Action:

It is not clear that a core of alkyl(meth)acrylate with at most 30% of vinyl monomer that can be alkyl (meth)acrylate distinguishes over the HIA-15 core shell copolymer used in the examples of the reference. See U.S. Patent 4,966,942 cited below. Additionally, at page 8, of the translation, graft base copolymers include polybutadiene, butadiene copolymer with styrene or methyl (meth)acrylate and acrylate copolymers. As suggested by JP '947, it would have been obvious to use a core-shell impact modifier having a polybutadiene, butadiene copolymer or acrylate copolymer core as the graft copolymer impact modifier in the thermoplastic polyester composition of the reference.

U.S. Patent No. 4,966,942 (Sasaki) cited as evidence that HIA-15 is a core-shell polymer with a core of acrylic acid ester copolymer (col. 7, lines 20-25).

Claim 11 has been amended to delete the following materials from the list of materials which can be used as the core in core-shell copolymer (A):

- butadiene homopolymers;
- copolymers of butadiene with at most 30 mol% of a vinyl monomer; and
- copolymers of alkyl (meth)acrylate with at most 30 mol% of an alkyl (meth)acrylate.

Thus, the core in amended claim 11 may consist of one or more of the following:

- isoprene homopolymers;
- copolymers of isoprene with at most 30 mol% of a vinyl monomer selected from the group consisting of a styrene, an alkylstyrene and an alkyl (meth)acrylate;
- copolymers of alkyl (meth)acrylate with at most 30 mol% of a vinyl monomer selected from the group consisting of a styrene and an alkylstyrene.

JP '947 does not teach or suggest any of the foregoing materials for use as the core in the rubbery graft polymer therein.

JP '947 does not mention isoprene homopolymers or copolymers.

As noted above, the Office Action states that it would have been obvious to use an acrylate copolymer core in the graft copolymer impact modifier in JP '947. With respect to acrylate copolymers for use as the core, JP '947 teaches the following:

The polyacrylate-based graft base includes acrylic acid ester polymers or copolymers with or without a diene-type rubber nucleus. Preferred acrylic acid ester content is above 40 wt.%, preferably above 60 wt%. Preferred are acrylic acid esters with monohydroxy alcohols of 1-8 carbon atoms, more specifically methyl, ethyl, propyl, hexyl, 2-ethylhexyloctyl esters. (page 8, sixth paragraph)

JP '947 does not teach the use of a copolymer of an acrylate-styrene copolymer or an acrylate-alkylstyrene copolymer as the core in the rubbery graft polymer therein. The only specific acrylate copolymers taught in JP '947 for use as the core appear to be

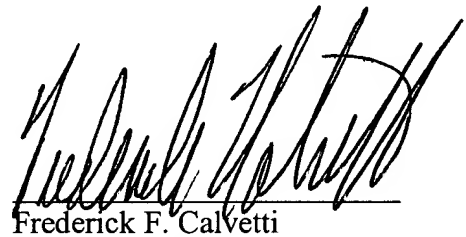
acrylate-monohydroxy alcohols of 1-8 carbon atoms. The reference does not specifically mention copolymers of acrylate with either styrene or alkylstyrene.

Thus, for the reasons given above, Applicants respectfully submit that JP '947 does not teach or suggest the core set forth in amended claim 11, and, therefore, for at least this reason, would not have rendered instant claims 2, 3, 6, 8 and 11-13 obvious.

II. Conclusion

In view of the amendments and remarks herein, Applicants respectfully request that the rejection of claims 2, 3, 6, 8 and 11-13 be withdrawn and that these claims be allowed.

Respectfully submitted,



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Date: July 6, 2004

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